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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,271	08/19/2003	Bernd Meyer	Metal 1304-WCG	4080
27386	7590	07/07/2005	EXAMINER	
NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			RINEHART, KENNETH	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/643,271

Applicant(s)

MEYER ET AL.

Examiner

Kenneth B. Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,8 and 10 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/31/05, 8/19/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 5/31/05 have been fully considered but they are not persuasive. The applicant argues that the Gernhardt nozzle has a constant internal diameter from one end to another and does not have a separate accelerating portion where the medium is constantly accelerated. The examiner disagrees. The term nozzle is used in the specification of Gernhardt. As "nozzles" are well known to have an accelerating portion, this limitation is inherently found in a nozzle and the reference reads on the claim limitation. Regarding Zinn, the applicant argues that Zinn neither teaches nor suggests anything at all about any method of injecting gasification medium into particle loaded gasification spaces. The examiner disagrees as claims in a pending application should be given their broadest reasonable interpretation. In this case the examiner does not believe that it is unreasonable for the reference to read on the claim limitation.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Gernhardt et al. Gernhardt et al (4043766). Gernhardt et al shows A method of injecting gasification medium into particle-loaded gasification spaces of fixed-bed, fluidized-bed or entrained-bed gasifiers by one component GM nozzles, wherein said one component GM nozzle comprises a supply portion

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(5) and an adjoining acceleration portion the supply portion (5) the GM isorate in the GM nozzle (1) does not fall below a minimum value (col. 4, lines 60-61, Inherently, the supply portion will have a minimum isorate if the exit rate is with in a certain range.), and that in the adjoining acceleration portion (7) the gasification medium is constantly accelerated and upon exit from the nozzle orifice (6) is concentrated in the focus (11) (The nozzle will inherently perform this function.), in the case of the presence of liquid slag particles or a slag bath in the gasification space, the deepest GM flow thread (13) in the acceleration portion (7), as seen in flow direction against the horizontal (12), is aligned to be horizontal or downwardly inclined (fig. 1), the deepest GM flow thread (13) is inclined downwards by 0 to 30 against the horizontal (12) (fig. 1).

Claims 1, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Zinn (3302596). Zinn shows A method of injecting gasification medium into particle-loaded gasification spaces of fixed-bed, fluidized-bed or entrained-bed gasifiers by one component GM nozzles, wherein said one component GM nozzle comprises a supply portion and an adjoining acceleration portion and the supply portion (5) the GM isorate in the GM nozzle (1) does not fall below a minimum value (The apparatus is presently capable of performing this function.), and that in the adjoining acceleration portion (7) the gasification medium is constantly accelerated and upon exit from the nozzle orifice (6) is concentrated in the focus (11) (The apparatus is presently capable of performing this function.), the GM nozzle (1 ) consists of a tubular supply tube (2) with a supply portion (5) (36, fig. 2) which merges into a conical acceleration portion (7) (37, fig. 2), The length of the acceleration portion (7) being 0.5 to 3 times the inside diameter of the supply portion (5) (fig. 3), the diameter at the beginning of the acceleration portion (7) is

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smaller than or equal to the diameter of the supply portion (fig. 3), the cone angle of the acceleration portion (7) is between 5 and 20 (fig. 3).

***Allowable Subject Matter***

Claims 3-5 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr

  
KENNETH RINEHART  
PRIMARY EXAMINER